

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

GARY STEVEN VASILOFF,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

Case No. 4:10-cv-08001-VEH-PWG
(Crim. No. 4:07-cr-00337-VEH-PWG)

MEMORANDUM OPINION AND ORDER

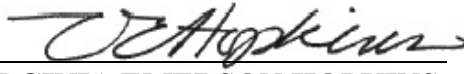
The previously assigned magistrate judge filed a report and recommendation on August 14, 2013 (Doc. # 37), recommending that the petition for writ of habeas corpus be DENIED. On September 16, 2013, petitioner filed a pleading styled as “Notice of Fraud Upon the Court.” (Doc. # 40). On October 7, 2013, petitioner filed “Petitioner’s Objections to Magistrate’s Report and Recommendation.” (Doc. # 42). The Court will treat such filings as motions, or, in the alternative, as objections to the magistrate judge’s report and recommendation.

Also pending are petitioner’s Motion for Evidentiary Hearing (Doc. # 30) and petitioner’s Motion to Appoint Counsel (Doc. # 32); in light of the remainder of this opinion, these motions are hereby DENIED as MOOT. Next, while not styled as a motion, the court construes petitioner’s “Request to Delay Ruling and Add One Exhibit” (Doc. # 44) as such; this motion is hereby GRANTED IN PART and DENIED IN PART. Specifically, petitioner’s request to add an exhibit is hereby GRANTED; the request to delay ruling is hereby DENIED. Finally, petitioner has filed a “Request for Immunity Letter” (Doc. # 41); while not styled as a motion, to the extent that it could be so construed, it is hereby

DENIED. The court has also considered the “supplemental citations” as set ut in petitioner’s Notice of Supplemental Citations” (Doc. # 45).

Having carefully reviewed and considered *de novo* all of the materials in the court file, the Court is of the opinion that the magistrate judge’s findings are due to be and are hereby ADOPTED and her recommendation is ACCEPTED. To the extent that the petitioner’s filings of September 16, 2013, and October 7, 2013 (Docs. # 40, 42), are construed as interposing objections to the report and recommendation, such objections are due to be and hereby are OVERRULED. To the extent that the petitioner filings (Docs. # 40, 42) are construed as motions, they are due to be and hereby are DENIED. Accordingly, the petition for writ of habeas corpus is due to be DENIED. A Final Judgment will be entered.

As to the foregoing it is SO ORDERED this the 4th day of December, 2013.


VIRGINIA EMERSON HOPKINS
United States District Judge